



Information and Privacy
Commissioner/Ontario
Commissaire à l'information
et à la protection de la vie privée/Ontario

News Release Communiqué

FOR IMMEDIATE RELEASE



TORONTO, June 27, 1989 - Mr. Sidney B. Linden, Ontario's Information and Privacy Commissioner, tabled the agency's 1988 Annual Report today in the Legislature.

The Report provides a comprehensive overview of the operation of the *Freedom of Information and Protection of Privacy Act, 1987* and the work of the Commissioner's Office during the first year of operation.

Almost 5,000 requests for general records or personal information were made to Ontario government institutions during 1988. In more than three-quarters of the cases, all or part of the requested information was disclosed by the institution, with full disclosure made in a majority of cases. Further, 80% of all requests were completed within 30 days. The Report also includes statistical breakdowns and commentary on the 350 appeals to the Commissioner.

"The figures suggest that government ministries and agencies are, for the most part, complying with the intent of the *Act* to make as much information as possible accessible to the public, and I believe, on the evidence presented, the first year can be judged a success," Mr. Linden said.

The Office of the Information and Privacy Commissioner, in operation since January 1, 1988, is responsible for ensuring both the public's right of access to government-held information, and the individual's right of privacy as it relates to personal information held by government institutions.


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INFORMATION AND PRIVACY COMMISSIONER/ONTARIO

BACKGROUNDER

The Information and Privacy Commissioner/Ontario, Mr. Sidney Linden, has just released his annual report covering the first year of operation of Ontario's *Freedom of Information and Protection of Privacy Act*, 1987.

The report provides a comprehensive overview of the work of the Office of the Commissioner, the appeal body under the *Act*, and other useful information on how the *Act* has been used so far.

Mr. Linden has been quoted as saying that—"I believe that, based on the evidence presented, the first year can be judged a success."

Almost 5,000 requests for general records or personal information were made to Ontario government institutions during 1988. These numbers reflect a high interest in the *Act* among the Ontario public. The requests were evenly distributed between general records (50.8%) and personal information (49.2%). Most requests (79%) were made to ministries; the rest went to agencies (21%). In more than three-quarters (77.4%) of the cases, all or part of the requested information was disclosed by the institution, with full disclosure made in a majority of cases (55.7%). Further, 80% of all requests were completed within 30 days.

These figures suggest that government ministries and agencies are complying with the intent of the *Act* to make as much information as possible accessible to the public.

The Commissioner's Office has met the challenge of putting in place a workable appeals process, in keeping with both the unique powers of the Commissioner and the provisions of the *Act*. The appeal procedures have emphasized informality and simplicity. At the same time, the *Act*'s inherent complexity and the fact that the Commissioner is required to make a binding order to resolve an ap-

peal, has meant that, at times the process has been complicated and time-consuming. Nevertheless, 350 appeals were received in 1988, and 36 Orders covering 79 appeals were issued. Of those appeals which were resolved during the first year (198), 53% were settled without an inquiry, generally as a result of successful mediations conducted by appeals officers.

Combining the amount of information that is released by ministries and agencies with additional information disclosed during the mediation and inquiry stages of an appeal indicates that in the great majority of cases requesters are receiving most if not all of what they asked for.

Not all of the issues dealt with in the first year arose as a result of appeals under the *Act*. The Compliance Branch in the Commissioner's Office dealt with a number of complaints, ranging from the record-keeping practices of institutions to issues relating to the security of personal information banks and how institutions deal with personal information in their possession.

The Compliance Branch also spent a great deal of time devising and implementing compliance and audit procedures, and began to conduct a number of reviews and investigations into the specific practices of several institutions.

Other activities undertaken by the Commissioner's Office during the first year included monitoring of the proposed Ministry of Health omnibus health-care information legislation, and providing comment on Bill 147 (the *Independent Health Facilities Act*), and the amendments to the *Child and Family Services Act*.

Public education was another function the Commissioner's Office developed in the first year. A public survey was commissioned to ascertain public



attitudes and knowledge about the issues of freedom of information and protection of privacy. A brochure was written, printed and distributed throughout Ontario. This agency's "Newsletter" and the "Summaries of Appeals" are published and distributed throughout the year - there are four issues of the "Newsletter" and eight issues of "Summaries of Appeals". A video about the Office has been produced and is ready for distribution. Also, the Commissioner and his staff spoke to numerous groups and organizations during the course of the first year.

The Commissioner made the following observations on the first year of the *Act* and the Commissioner's Office:

"As can be expected with any new legislation, there are some "bugs" to be worked out, however institutions have, on the whole, taken their new duties and responsibilities seriously. I particularly want to commend the work of the staff at the Freedom of Information and Privacy Branch of Management Board of Cabinet, who were responsible for coordinating and conducting the training sessions for institution coordinators and preparing the Manuals and materials necessary. As well, the institution coordinators are to be commended for their diligence and hard work under, sometimes, trying circumstances.

In the coming months, proposed changes to the Act will present new challenges. The review of confidentiality provisions required by subsection 67(1) have been tabled with the Standing Committee on the Legislative Assembly, and it is hoped that any amendments to the Act affecting these provisions will be adopted by the House in the Fall. Moreover, legislation to integrate municipalities and local government bodies should be presented to the Legislature some time in 1989. As well, the omnibus health-care information legislation will undoubtedly have an impact on our Office. It may well be that our Second Annual Report will be even more interesting than our First!"